

REMARKS/ARGUMENTS

Claims 1-9, 11, and 14-20 are active. Claims 1, 8, 9, 11 and 14 have been edited for consistency with U.S. practice or for clarity. Claim 1 also has been revised to refer to specific foam or head retention components which are disclosed on page 8, lines 8 *ff.* of the specification. New claims 15-18 track claim 1 and also find support on page 8 which describes the particular foam or head retention components, and on page 11 which describes sigma values. Claims 19 and 20 find support on page 10, lines 10-15 of the specification. Accordingly, the Applicants do not believe that any new matter has been introduced.

Foreign Priority Document

This Application is a national-stage filing under 35 U.S.C. §371. The Applicants respectfully request that the Examiner obtain the certified copies of the foreign priority documents from the International Bureau and acknowledge their receipt.

Rejection—35 U.S.C. §112, second paragraph

Claims 1-14 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite. This rejection is moot in view of the amendments above.

Rejection—35 U.S.C. §102(b)

Claims 1-9 and 11-14 were rejected under 35 U.S.C. 102(b) as being anticipated by Van Gorkum, EP 1,063,285. This rejection is moot in view of the amendments above. The Examiner has assumed that the prior art wort contains a foam formation and/or head retention substance and pointed out that [0022] indicates that the wort comprise certain components “such that the product has all desirable characteristics in terms of taste, mouthfeel, aroma, foam formation and stability”. However, assuming that the prior art wort has the properties

required by the present claims, Van Gorkum does not disclose or suggest specific ingredients (other than wort) useful for this purpose.

On the other hand, the present claims require a foam formation and/or head retention substance(s) not disclosed by the prior art. That is, a substance selected from the group consisting of plant extraction saponin substances; proteinic substances selected from the group consisting of albumen peptide and fetal bovine serum albumen; thickening agents selected from the group consisting of xanthan, gum, pullulan, guar gum, locust bean gum, carrageenan, acacia gum, tamarind seed polysaccharides, agars, tara gum, and gellan gum; and alginic acid esters". Accordingly, this rejection may now be withdrawn.

Rejection—35 U.S.C. §103(a)

Claims 1-10 were rejected under 35 U.S.C. 103(a) as being anticipated by Van Gorkum, EP 1,063,285, in view of Wubben, et al., WO 96/04363. This rejection is moot in view of the amendments above. Like Gorkum, Wubben, which was cited as disclosing pectin, especially that from hops, does not disclose the specific ingredients required by the present claims. Accordingly, the prior art does not disclose all the elements of the invention as now claimed and this rejection may now also be withdrawn.

Conclusion

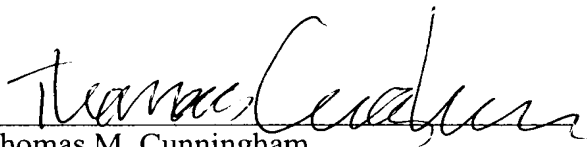
In view of the amendments and remarks above, the Applicants respectfully submit that this application is now in condition for allowance. An early notice to that effect is earnestly solicited.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.
Norman F. Oblon

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 06/04)


Thomas M. Cunningham
Registration No. 45,394